

Inter-Jurisdictional Coordination of Water Quality Programs on the Upper Mississippi River

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Presentation Overview

Upper Mississippi River (UMR) Resource and Institutional Setting

UMRBA Background and Role

Challenges in UMR Clean Water Act Implementation

Collaborative Efforts in UMR
Clean Water Act Implementation

Future Efforts and Directions

Questions and Discussion



Upper Mississippi River Basin

Upper Mississippi River:

Resource Setting

189,000 square miles in basin

1,300 miles in total length

850 miles navigable, 816 interstate

Discharge = 9,200 cfs at St. Paul

205,000 cfs at Thebes

Leveed floodplain 3% → 53% → 83%



Upper Mississippi River: Resource Setting

23 community water systems serving over 2 million people

29 power plants

Water withdrawal over 7 billion gallons per day (primarily cooling)

Approximately 300 wastewater dischargers

29 locks and dams designed for navigations (but limited ability to regulate flows)

Over 100 million tons of commodities shipped annually (grain more than half of total)





Upper Mississippi River:

Resource Setting

More than 250,000 acres in National Wildlife Refuge

Over 120 species of fish, 30 species of mussels, 300 species of migratory birds

Millions of recreational visits per year







Upper Mississippi River: **Institutional Setting**

Several federal agencies (USACE, USFWS, USGS, US EPA and others)

Five states, multiple agencies within states (environmental, natural resource, transportation, and others)

Local and regional entities

Commercial interests (shipping, recreation, industry, and others)

Environmental interests (NGOs)

Citizens (residents and river users)

Universities

Professional associations



UMRBA Background and Role: **Mission Statement**

Purpose:

Facilitate dialogue and cooperative action regarding water and related land resource issues in the basin

More specifically:

Serve as a regional interstate forum for the discussion, study, and evaluation of river-related issues of common concern to the States Facilitate and foster cooperative planning and coordinated management Create opportunities and means for the States and Federal agencies to exchange information

Develop regional positions on river issues and serve as an advocate of the States' collective interests before Congress and Federal agencies

UMRBA Background and Role: Origins & History

Upper Mississippi River Basin Commission

1972 Formed by Governors under the authority of Title II

of the 1965 Water Resources Planning Act

1981 Terminated by Presidential Executive Order

Upper Mississippi River Basin Association

Aug 1981 Joint Governors' Resolution

Dec 1981 Articles of Association signed by Governors'

representatives

1983-1984 Governors' Executive Orders

1986 Congressional Consent

1997 Joint Governors' Resolution

UMRBA Background and Role: **State Representatives** (Gubernatorial Appointees)

Illinois DNR (Water Division)

Iowa Agriculture, DNR*, Economic

Development, Transportation

Minnesota EQB (Chair - by State Statute)

DNR (Deputy Commissioner)

Missouri DNR* (Director's Office)

Wisconsin DNR* (Water Division)

^{*} State DNR has both natural resource and environmental quality functions

UMRBA Background and Role: Roles of Representatives*

- Serve as UMRBA's Board of Directors
 - Set policy, direction, and priorities
 - Advocate UMRBA perspectives to Congress and Administration
 - Adopt budget
 - Oversee Executive Director's management of organization
- Bring internally coordinated State positions to UMRBA's deliberations
- Engage other state agency staff in UMRBA activities/issues
- Use UMRBA as forum for interstate coordination

^{*} Governors typically also appoint one or more alternates to UMRBA.

UMRBA Background and Role: Role of Federal Advisory Members

- Agriculture (NRCS)
- Army Corps of Engineers
- Environmental Protection Agency
- Homeland Security (FEMA & Coast Guard)
- Interior (Fish and Wildlife Service and USGS)
- Transportation (Maritime Administration)

Federal advisors do not have voting rights

Relationship of federal agencies and UMRBA established in bilateral Partnering Agreements

UMRBA Background and Role: **Meetings**

UMRBA holds quarterly meetings

Open to the public...NGOs are important partners

Location rotates

Related meetings held in conjunction

Seek consensus in decisions and voting—1 vote/State

Annual (February) meeting includes the election of Chair and Vice Chair

Also conduct business via conference call as needed

UMRBA Background and Role: UMRBA Committees

Water Quality Executive Committee	2006
Water Quality Task Force	1999
Floodplain Managers Group	1993
(meet as needed)	
Hazardous Spills Coordination Group	1989
EMP Coordinating Committee	1987
(formed by the Corps of Engineers, staffed by UMRBA)	

UMRBA Activities: General Functions

UMRBA focuses on:

Planning & coordination...forum for discussion

Helping States and Federal agencies work together

Evaluating policies, programs, and laws

Building consensus among the States

Promoting the States' interests

UMRBA is not involved in:

Regulation or land management

Construction or operation of facilities

Scientific research or expertise

Challenges in UMR Clean Water Act (CWA) Implementation: General Considerations

Scale, Complexity, and Diversity of Resource

Multiple Use: Ecosystem, Navigation, Recreation, Water Supply

Institutional Setting: Jurisdictional/Border River Issues







Challenges in UMR Clean Water Act (CWA) Implementation: Clean Water Act Framework

"The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."

The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States (NPDES Permit Program) and generating and regulating surface water quality standards (e.g., fecal coliform, metals, dissolved oxygen, nutrients).

States have primacy for implementation, with US EPA direction, approval, and oversight.

Challenges in UMR Clean Water Act (CWA) Implementation:

Clean Water Act Framework

Waterbody

Beneficial Uses Designated

Water Quality Criteria to Protect Uses

Monitoring & Data Collection

Assess in Comparison to Criteria: Are Uses Protected?

Biennial Report Including 303(d) Impairment List

Develop TMDLs for Impaired Waters

Challenges in UMR Clean Water Act (CWA) Implementation: CWA Designated Uses for the UMR

Minnesota

- -Aquatic Life and Recreation Use
- -Industrial Consumption Use
- -Agriculture and Wildlife Use
- -Aesthetic Enjoyment and Navigation Use
- -Other Uses

Iowa

- -General Use (includes livestock and wildlife watering, aquatic life, non-contact recreation, crop irrigation, industrial, domestic and other water withdrawal uses)
- -Primary Contact Recreational Use
- -Warm Water Aquatic Life Use
- -Drinking Water Supply Use (intake areas only)

Missouri

- -Irrigation Use
- -Livestock and Wildlife Watering Use
- -Aquatic Life Use (warm-water fishery)
- -Human Health Protection Use (fish consumption)
- -Whole Body Contact Recreation Use (except one reach)
- -Secondary Contact Recreation Use
- -Drinking Water Supply Use
- -Industrial Process Water and Cooling Water Use

Wisconsin

- -Fish and Other Aquatic Life Uses (warm water sport fishery)
- -Recreational Use
- -Public Health and Welfare Use
- -Wildlife Use

Illinois

- -General Use (includes aquatic life, agricultural use, secondary contact use, industrial use, and primary contact use where physical configuration permits such use)
- -Public and Food Processing Water Supply

Challenges in UMR Clean Water Act (CWA) Implementation:

CWA Designated Uses for the UMR

Comparison of "Major" Designated Uses

		Aquatic Life	Contact Recreation	Drinking Water
Illinois	Entire UMR	Х	Х	Х
lowa	Minnesota Border – Lock & Dam 14	Х	Х	
	Lock & Dam 14 – Lock & Dam 15	Х	Х	Х
	Lock & Dam 15 — Iowa River	Х	Х	
	Iowa River — Burlington water intake	Х	Х	Х
	Burlington water intake — Skunk River	Х	Х	
	Skunk River — Missouri Border	Х	Х	Х
Minnesota	Entire UMR	Х	Х	
Missouri	Iowa Border to Missouri River	Х	Х	Х
	Missouri River to Ohio River	Х	X *	Х
Wisconsin	Entire UMR	Х	Х	

Challenges in UMR Clean Water Act (CWA) Implementation: Numeric Criteria Applicable to the UMR

Minnesota

Ammonia, un-ionized

Arsenic

Atrazine

Chlordane

Dissolved Oxygen

Fecal Coliform

Mercury

PCBs

Phosphorus

Turbidity

Iowa

Ammonia nitrogen

Arsenic

Atrazine

Chlordane

Dissolved Oxygen

Fecal Coliform

Mercury

Nitrate

PCBs

Turbidity

Missouri

Ammonia nitrogen

Arsenic

Atrazine

Chlordane

Dissolved Oxygen

Fecal Coliform

Mercury

Nitrate PCBs

Wisconsin

Ammonia nitrogen

Arsenic

Chlordane

Dissolved Oxygen Fecal Coliform

Mercury

PCBs

Illinois

Ammonia nitrogen

Ammonia, un-ionized

Arsenic

Atrazine

Chlordane

Dissolved Oxygen

Fecal Coliform

Mercury

Nitrate

PCBs

Phosphorus

Specific criteria (numeric values) for pollutants listed may vary by state

Criteria and their applicability can also vary by season, location on the river, and use being protected

Primarily chemical/physical parameters and pathogens, integrative biological approaches not yet employed

Challenges in UMR Clean Water Act (CWA) Implementation: Narrative Criteria Applicable to the UMR

Each state also has narrative water quality criteria in rule that are applicable to the UMR.

Example (35 IL Adm Code, Part 302.203)

Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than natural origin.

Challenges in UMR Clean Water Act (CWA) Implementation: Monitoring and Data

UMR Water Quality Data Sources Include:

State

CWA program monitoring Other state monitoring

Federal

USGS (LTRMP, NASQAN, NAWQA, special studies) USACE (sediment, other water quality) US EPA (EMAP, national surveys)

Local/Regional

Metro Council Environmental Services (sediment, invertebrates, other WQ) Water utilities

Citizen and Others

Challenges in UMR Clean Water Act (CWA) Implementation: Monitoring and Data

State Programs Conduct CWA- Specific		State Field Stations Conduct	Use Other States' Data?		Use LTRMP Data?***		Use NASQAN Data?	
	Monitoring?	LTRMP Monitoring?	Review	Utilize	Review	Utilize	Review	Utilize
IL	Yes (11 stations)	Yes	No	No	Yes	No	Yes	No
IA	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MN	Yes (3 stations)	Yes	Yes	No	Yes	Yes	N/A	N/A
МО	Yes** (1 station)	Yes	No	No	No	No	Yes	Yes
WI	Yes (3 stations)	Yes	Yes	Yes	Yes	Yes	N/A	N/A

Challenges in UMR Clean Water Act (CWA) Implementation:

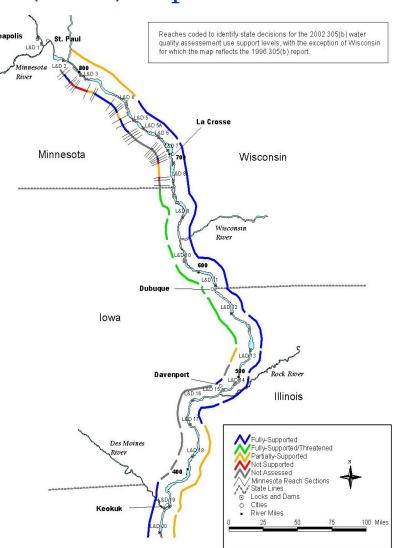
Assessment Outcomes Minneapolis

Not all of the river is assessed, often due to data limitations

Each state employs its own assessment methodology.

Assessments may indicate full support, partial support or non-support of a use.

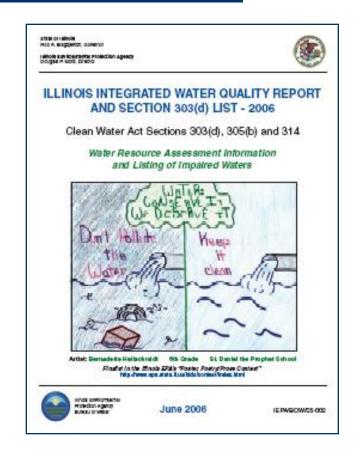
Example at right illustrates 2002 aquatic life use support assessments.



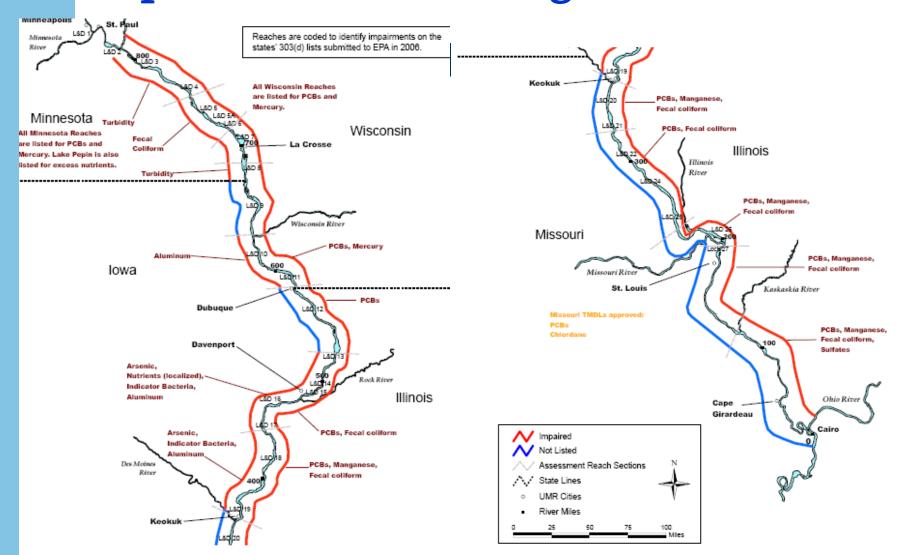
Challenges in UMR Clean Water Act (CWA) Implementation: Impairment Lists and State Reports

States' most recently completed impaired waters lists and "integrated" state water quality reports:

	Completed 305(b) Report	Approved 303(d)
	report	List
IL	2008	2006
IA	2008	2006
MN	2008	2008
МО	2006	2006
WI	2008	2006



Challenges in UMR Clean Water Act (CWA) Implementation: Impaired Waters Listings



Challenges in UMR Clean Water Act (CWA) Implementation:

Total Maximum Daily Loads (TMDLs)

State	TMDLs in Development		Approved TMDLs		
	Impairment	Reach	Impairment	Reach	
Illinois	None		None		
lowa	Arsenic (Drinking Water) Nutrients (Aquatic Life)	Pool 15 (Intakes only) Clinton Area (Localized)	None		
Minnesota	Turbidity and Excess Nutrients (Aquatic Life and Recreation Use)	Lake Pepin	Mercury (Aquatic Life and Recreation Use/Fish Consumption)	Entire UMR in Minnesota (Statewide TMDL)	
Missouri	None		Chlordane and PCBs (Human Health Protection Use/Fish Consumption) Entire UMR in Missouri		
Wisconsin	None	None None			

Challenges in UMR Clean Water Act (CWA) Implementation: Need Areas for CWA Implementation

What's Needed?

Coordination/Communication Consistency Appropriateness/Fit to Resource

Where Needed?

Standards (Designated Uses and Criteria)
Monitoring
Assessments/Assessment Methodology
Impaired Waters
Total Maximum Daily Loads (TMDLs) and Implications for Permits

Why Needed?

Consistent Message to the Public Consistent Regulatory Expectations Efficient Allocation of Resources Improved Protection

Challenges in UMR Clean Water Act (CWA) Implementation: Additional Challenges/Issues

Collaboration with ecosystem restoration and other UMR programs

Addressing nutrients and sediment/nonpoint sources

Integrating biological approaches

Addressing emerging contaminants

Lack of dedicated federal funding for the UMR and current constraints in state funding

UMRBA Role - Revisited

UMRBA is:

- Five UMR State members
 (IL, IA, MN, MO, WI)
- Federal partners
- Involved in:
 - Water Quality
 - Ecosystem Restoration
 - Spill Planning & Response
 - Navigation
 - Floodplain management
- Formed by State Governors' joint resolution
- Funded by State dues, grants, and contracts

UMRBA is not:

- Regulatory
- Formed by interstate compact
- Funded by Section 106 of the Clean Water Act
- Currently engaged in standardsetting, monitoring, or assessment under the Clean Water Act



UMRBA Role - Organizational Options

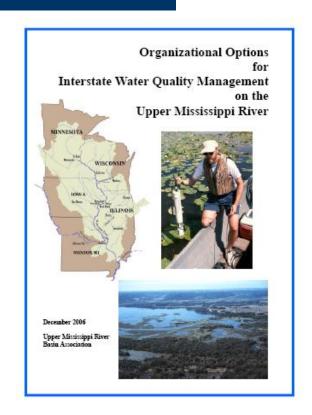
December 2006 Report

Outcome of year-long project funded by McKnight Foundation

Involved CWA program administrators from five UMR States (Water Quality Executive Committee)

Recommendations

- Establish an interstate water quality agency for the UMR, by building on UMRBA
- -States retain authority, UMRBA acts on behalf of, and in cooperation with states
- -Initial focus on CWA activities on the main stem
- -Five states and US EPA share funding
- -Incremental process to expand UMRBA's role



UMRBA Role - Governors' Statement

"We are committed not only to the protection of the River's water quality, but we are also committed to doing so in a coordinated manner.....We are therefore supporting the coordination of water quality monitoring, assessment, and standards for the Upper Mississippi River by the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin and the Upper Mississippi River Basin Association. This approach will allow the Clean Water Act to be implemented on the Upper Mississippi River in a more coordinated and consistent fashion than has ever been possible previously."

-From the Statement of the Governors of Illinois, Iowa, Minnesota, Missouri, and Wisconsin on Water Quality Protection for the Mississippi River (August 2, 2007)

UMRBA Water Quality Work Groups

Water Quality Executive Committee (2006)

State (Voting) Members

Illinois EPA

Iowa DNR

Minnesota PCA

Missouri DNR

Wisconsin DNR

Federal (Non-Voting) Members

US EPA Region 5

US EPA Region 7

Water Quality Task Force (1999)

Illinois EPA

Iowa DNR

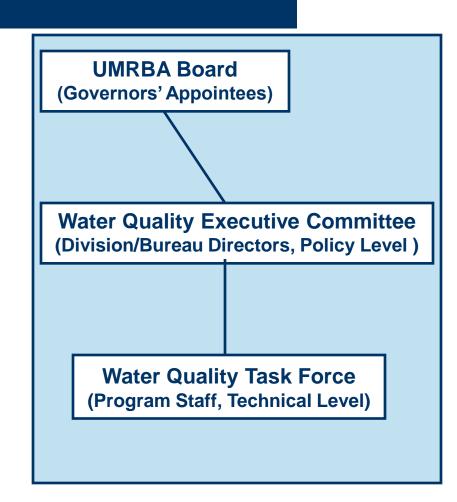
Minnesota PCA

Missouri DNR

Wisconsin DNR

US EPA Region 5

US EPA Region 7



UMR Water Quality Efforts

Work Areas/Projects

Uniform interstate assessment reaches

Impaired waters listing consultation

Recent reports (CWA approaches, fish consumption advisories, sediment-related water quality criteria)

Designated uses for the UMR

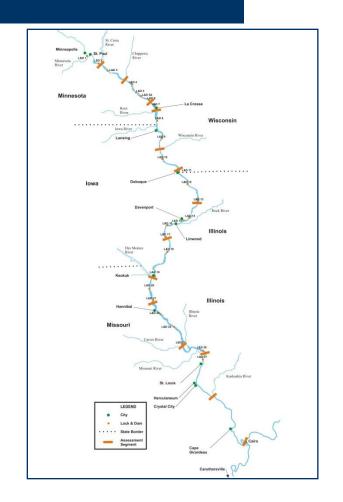
Collaboration with ecosystem restoration programs

Biological indicators

Web site (www.umrba.org/wq.htm)

Uniform Interstate Assessment Reaches

		Old	New
	River Miles	# of Reaches	# of Reaches*
IL	698	15	8
IA	313	14	5
MN	139	31	4
МО	366	2	5
WI	230	3	5



*Per 2003 MOU

Impaired Waters Listing Consultation

Ongoing consultation at Water Quality Task Force meetings

Use table structure (at right) to compare, uniform assessment reaches allow for comparison

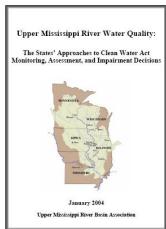
	0011	JULIU		
MINNESOTA*			WISCO	NSIN**
2006	2008	St. Croix River	2008	2006
PCBs (Fish Tissue) ^{PC} Mercury (Water) ^{PC} Mercury (Fish Tissue) ^{PC} Turbidity ^{AL} Nutrients (L. Pepin) ^{AR}	PCBs (Fish Tissue) ^{PC} PFOS (Fish Tissue) ^{PC} Turbidity ^{AL} Nutrients (L. Pepin) ^{AR} TMDLs approved: Mercury (Fish Tissue) ^{PC} Mercury (Water) ^{PC}	(48 mi)	PCBs (Water) ^{PC} PCBs (Fish Tissue) ^{PC} Mercury (Water) ^{PC} Mercury (Fish Tissue) ^{PC} Suspended Solids ^{Al} PFOS (Fish Tissue) ^{PC}	PCBs (Water) ^{PC} PCBs (Fish Tissue) ^{PC} Mercury (Water) ^{PC} Mercury (Fish Tissue) ^{PC}
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No listing	No listing			
Aluminum ^{AL}	Aluminum ^{AL}	Wisconsin River (48 mi)	PCBs (Water) ^{PC} PCBs (Fish Tissue) ^{PC} Mercury (Water) ^{PC} Mercury (Fish Tissue) ^{PC}	PCBs (Water) ^{PC} PCBs (Fish Tissue) ^{PC} Mercury (Water) ^{PC} Mercury (Fish Tissue) ^{PC}
		Dubuque (61 mi)	PCBs (Water) ^{PC} PCBs (Fish Tissue) ^{PC} Mercury (Water) ^{PC} Mercury (Fish Tissue) ^{PC}	PCBs (Water) ^{PC} PCBs (Fish Tissue) ^{PC} Mercury (Water) ^{PC} Mercury (Fish Tissue) ^{PC}
No listing	Mercury FC (Pool 12)		ILLIN	NOIS
	(10011)		PCBs (Fish Tissue) ^{PC} Mercury (Fish Tissue) ^{PC}	PCBs (Fish Tissue) ^{PC}
		Lock & Dam 13		

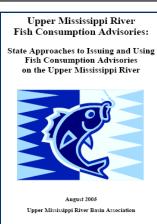
Collaboration in UMR CWA Implementation: **Recent Reports**

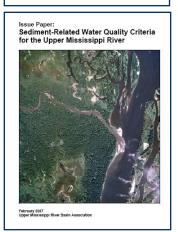
The States' Approaches to Clean Water Act Monitoring, Assessment, and Impairment Decisions (2004)

State Approaches to Issuing and Using Fish Consumption Advisories on the Upper Mississippi River (2005)

Sediment-Related Water Quality Criteria for the Upper Mississippi River (2007)







Designated Uses for the UMR

Examine potential modifications to CWA designated uses for the UMR

Look for opportunities to both improve consistency and protection of the resource

Improve ability to address off-channel areas

Begin with aquatic life use designations, develop a proposed framework, based on existing data and information about the river

Seek to improve ability to communicate about aquatic life use protection across CWA programs, to other river programs, and to the public at large

Supported by US EPA staff person assigned via IPA to UMRBA through February 2011

Designated Uses for the UMR

Aquatic Life Use Designation (State A)

Aquatic Life Use Designation (State B)

Aquatic Life Use Designation (State C)

States' Current Approach:

- -Relatively simple, but may not protect adequately or consistently. Focused primarily on the main channel.
- -States' designations and associated criteria may differ (though the states have agreed on 13 assessment reaches for the UMR).
- -Distinctions may arise from jurisdiction, rather than river biology or function.



Reality Is:

 -Complex. In addition to lateral diversity (above), there is also longitudinal and temporal diversity.

-Difficult to precisely represent in regulation.



Goal

Develop a framework that more appropriately protects the resource and is realistic to implement.

Collaboration with Restoration Programs

Two workshops held in 2008 to examine policy and practice interfaces between Clean Water Act and Ecosystem Restoration programs on the UMR

Areas where opportunities identified:

- 1) Ecosystem restoration objectives and water quality standards
- 2) Biological indicators
- 3) Water quality monitoring
- 4) Watersheds, tributaries, and TMDLs
- 5) Water quality considerations in ecosystem restoration projects

Biological Indicators for the UMR

Builds from 2008 cross-programmatic workshops

Also area of interest for the Water Quality Task Force

Seeks to capitalize on interest, developments in research in application

Workshop held in May 2009, sponsored by US EPA and USACE

Final report coming July 2009

UMRBA will work with lead agencies to move forward on recommendations









UMR Water Quality Web Page

www.umrba.org/wq.htm

UMRBA water quality publications

Meeting summaries

Links to state CWA programs

Other water quality links



Lessons Learned to Date

- It's important, but it's not easy
- There's a commitment to cooperation and coordination among the agencies involved
- Need to involve both program and policy staff (Task Force and Executive Committee)
- Need to identify the correct players for topic areas
- Dynamic situation: methods, conditions, priorities, and personnel can and do change
- As work continues, need to reach out to other stakeholders to help build support for UMR efforts

Future Efforts and Directions

Continued collaboration and consultation via Water Quality Task Force

Completion of biological indicators report

Recommendations for aquatic life use designations

Multi-state proposal to support:

- 1) Integration of biological approaches into CWA assessments
- 2) Examination of "local" impacts of nutrients on the UMR from a CWA perspective
- 3) Continued cross-programmatic collaboration

Ongoing efforts to engage other UMR stakeholders (e.g. WQ NGOs)



Questions?

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